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In re Application of
GREGORY, Otto J.
Application No.: 09/890,011
PCT No.: PCT/US00/01613
Int. Filing Date: 25 January 2000
Priority Date: 26 January 1999
Attorney's Docket No.: 4628
For: ACTIVE STRAIN GAGES FOR
EARTHQUAKE DAMAGE
ASSESSMENT

DECISION

ON REQUEST UNDER

37 CFR 1.497(d)

This is a decision on "Request To Add To Original Erroneously Named Inventor In Declaration (37 CFR 1.48(a))," filed on 03 January 2002, which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 25 January 2000, applicant filed international application PCT/US00/01613, which claimed a priority date of 26 January 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 July 2000. On 23 August 2000, applicant filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight on 26 July 2001.

On 25 July 2001, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 September 2001, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 03 January 2002, applicant filed "Completion of Filing Requirements," accompanied by, *inter alia*, a declaration and "Request To Add To Original Erroneously Named Inventor In Declaration (37 CFR 1.48(a))."

DISCUSSION

The inventor in the international application is Otto J. Gregory. Applicant filed this request to add Mr. William B. Euler as an inventor in this application.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been met. (1) Mr. William B. Euler states that "through error, the above-referenced application does not list me as a joint inventor," and "the error arose without any deceptive intention on my part." (2) The processing fee set forth in §1.17(i) has been paid.

As to item (3), the record indicates that Mr. Otto J. Gregory has executed an assignment, but written consent of the assignee has not been submitted.

CONCLUSION

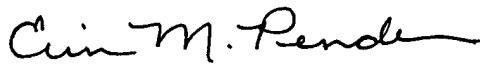
For the above reasons, applicant's request under 37 CFR 1.497(d) is **REFUSED**.

If reconsideration on the merits of this request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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